

MICHAEL O. SCHEINBERG  
Patent Attorney

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December 6, 2005

# Fax

Name: Examiner Andrew J. Fischer  
Art Unit: 3627  
Organization: United States Patent and Trademark Office  
Fax: 1-571-273-8300

From: Michael O. Scheinberg  
PO Box 164140  
Austin, TX 78716-4140  
Phone: (512) 328-9510  
Fax: (512) 306-1963  
Date: December 6, 2005  
Subject: Examiner Interview Request Form  
Docket No.: C054-2  
Pages: 6 (including this coversheet)

**Comments:****Attached please find:**

1. Request for Continued Examination (1 p.) (in duplicate)
2. Fee Transmittal (1 p.) (in duplicate)
3. PTO-2038 (1 p.)

Michael O. Scheinberg  
Patent Reg. No.: 36,919

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Austin Texas 78716-4140

Physical Address  
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Austin Texas 78746

Telephone: Voice: (512) 328-9510  
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PTO/SB/30 (04-05)

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/300,881
Filing Date	04/28/1999
First Named Inventor	James H. Wolfston, Jr.
Art Unit	3627
Examiner Name	Andrew J. Fischer
Attorney Docket Number	C054-2 (P-01757-US1)

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☐ Enclosed
    - ☐ Amendment/Reply
    - ☐ Affidavit(s)/ Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☐ Other \_\_\_\_\_
- Miscellaneous**
  - ☒ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of 1 months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
  - ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-1635. I have enclosed a duplicate copy of this sheet.
    - ☒ RCE fee required under 37 CFR 1.17(e)
    - ☐ Extension of time fee (37 CFR 1.136 and 1.17)
    - ☐ Other \_\_\_\_\_
  - ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - ☒ Payment by credit card (Form PTO-2038 enclosed)

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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Michael O. Scheinberg</i>	Date	December 6, 2005
Name (Print/Type)	Michael O. Scheinberg	Registration No.	36,919

## CERTIFICATE OF MAILING OR TRANSMISSION

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Signature	<i>Margarita Marquez-Escalona</i>	Date	December 6, 2005
Name (Print/Type)	Margarita Marquez-Escalona	Registration No.	395,00 OP

This collection of information is required by 37 CFR 1.114. The information is required to obtain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☒ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of 1 months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees**
- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-1635. I have enclosed a duplicate copy of this sheet.
- a. ☒ RCE fee required under 37 CFR 1.17(e)
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature	<i>Michael O. Scheinberg</i>	Date	December 6, 2005
Name (Print/Type)	Michael O. Scheinberg	Registration No.	36,919

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Signature	<i>Margarita Marquez-Escalona</i>	Date	December 6, 2005
Name (Print/Type)	Margarita Marquez-Escalona		

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Effective on 12/06/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 525.00

**Complete if Known**

Application Number	09/300,881
Filing Date	04/28/1999
First Named Inventor	James H. Wolfston, Jr.
Examiner Name	Andrew J. Fischer
Art Unit	3627
Attorney Docket No.	C054-2

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-1635 Deposit Account Name: Michael O. Scheinberg

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

12/07/2005 MBINAS 00000035 07300881

Other (e.g., late filing surcharge): RCE Fee of \$395.00 and Fee under 37 CFR 1.17(b)(2) of \$130.00

525.00 130.00 00 00

**SUBMITTED BY**

Signature	Registration No. (Attorney/Agent) 36,919	Telephone (512) 328-9510
Name (Print/Type) Michael O. Scheinberg		Date 12/06/2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		Application Number	09/300,881
		Filing Date	04/28/1999
		First Named Inventor	James H. Wolfston, Jr.
		Examiner Name	Andrew J. Fischer
		Art Unit	3627
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	C054-2
TOTAL AMOUNT OF PAYMENT (\$)		525.00	

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	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
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Reissue	300	150	500	250	600	300	
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**2. EXCESS CLAIM FEES**

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Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

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_____	_____	_____	_____	_____

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**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)      **Fees Paid (\$)**

Other (e.g., late filing surcharge): RCE Fee of \$395.00 and Fee under 37 CFR 1.17(i) of \$130.00      **525.00**

<b>SUBMITTED BY</b>		
Signature	Registration No. (Attorney/Agent) 36,919	Telephone (512) 328-9510
Name (Print/Type) Michael O. Scheinberg	Date 12/08/2005	

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